

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:23CR307
)	
Plaintiff(s),)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
)	
MICHAEL ELOSHWAY,)	<u>ORDER</u>
)	
Defendant(s).)	

This matter is before the Court on the unopposed motion of defendant Michael Eloshway to declare this matter a complex case and grant a continuance of the trial beyond the time limits established by the Speedy Trial Act, 18 U.S.C. §3161.

The Defendant has been named in an indictment alleging violations of Title 18 U.S.C. §§ 2252(a)(2) and 2252A(a)(5)(B). Counsel has represented to this Court that he needs additional time due to a previously scheduled jury trial in the Cuyahoga County Court of Common Pleas Criminal Division Case No. 679102-23-CR State of Ohio v. Anthony DeMarco on April 30, 2024 and expected to continue until May 8, 2024.

Given the above, it is unreasonable to expect adequate preparation within the time limits of 18 U.S.C. §3161. The failure to grant a continuance would likely result in a miscarriage of justice and would deny counsel the reasonable time necessary for effective preparation.

For the foregoing reasons, the Court finds that the ends of justice served by the granting of a continuance outweigh the best interest of the public and defendant in a speedy trial. 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv). The aforesaid motion is granted.

Final Pretrial is continued to June 20, 2024 at 9:30 a.m. Trial is continued to July 22, 2024 at 9:00 a.m.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 4/9/24